

## CHAPTER 1

### Introduction

There was also a very non-descript sort of a person, who, on enquiry I found to be one of the 'old gentlemen' for whose use and pleasure the schooner is more constantly employed than she should be; for it appears there are a number of these 'old gentlemen' who are called invalids, and for whom the country provides very comfortable quarters; amusement and food, and a free passage to and fro whenever they feel disposed to pay a visit to their friends or having some money, feel that they would like a little more extended recreation than they can obtain at their marine residence. The 'old gentleman' under notice may be thus described:— He was of low stature, very repulsive looking, dressed in an old swallow-tail coat that had no doubt at one time adorned a very genteel person, but which, under the present circumstances appeared very much out of place. His head was covered with an old cloth cap, and his feet were *not* covered with a very dilapidated couple (not pair) of shoes. He, too, had provided for himself, for under his arm was a bundle containing sundry scraps, the result very likely of the previous day's begging. This sketch will convey a very inadequate idea of this 'old gentleman', whose restlessness and imbecility were such to give one an idea of a wild animal confined within the limits of a few yards. The whole of the voyage down he scarcely remained stationary five minutes together.<sup>1</sup>

This impression of a passenger aboard the government vessel *Harriet*, on one of its regular provision voyages to the Port Arthur Penal Establishment, was made in March 1870. It refers to an emancipist pauper, the principal component of colonial Tasmania's aged poor population, and the virtually exclusive component of that convict settlement's invalid depot. It is also representative of a group ideology, a *mentalité*, which defined the aged poor as undeserving of society's succour. While such thinking dominated post-transportation Van Diemen's Land, the management and perception of pauper invalids nevertheless underwent a profound transformation by Federation. In 1901, in stark contrast to much of the preceding half-century, invalid paupers were accepted and treated as a deserving component of Tasmanian society. This thesis seeks to explain the mechanisms by which the aged poor transcended their mid-century designation of undeserving and came to be included within the ranks of the deserving.

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<sup>1</sup> *The Mercury*, 24.3.1870, p. 3 c. 2-3.

Increasingly, historians in Australia, as elsewhere, have widened their focus of attention to include a multitude of new subject areas which may broadly be described as social history. The history of those previously silent in the record — the history of women, children, ethnic minorities, the disadvantaged, the poor, the working class, the common person, the vernacular and the outcast.<sup>2</sup> Whilst whole new vistas of research have been opened up for exploration, there still remains a number of potentially rewarding areas which have received scant attention. One such field is the history of the aged and infirm emancipist. John Hirst and Stephen Nicholas are among a number of prominent historians who have examined those men and women transported to Australia who succeeded in making a new and rewarding life for themselves. This research, however, is concerned with those ex-convicts who were unable to maintain themselves in colonial society, especially when the rigours of old age and infirmity reduced them to poverty and destitution.<sup>3</sup> The thesis focuses primarily on the relief of colonial Tasmania's aged and infirm poor, who were predominantly emancipists. It will seek to examine their lives within the context of the built institutional environment and the wider forces which shaped that environment.

In the eighteenth and nineteenth centuries British society witnessed major demographic, economic and social changes resulting chiefly from what we now refer to as the Industrial Revolution.<sup>4</sup> The change from an agrarian based economy to a capitalist economy necessitated, and further drove, fundamental changes in societal values. In particular, a rising middle class articulated a demand for a disciplined, compliant, ordered society which instilled the value of a 'work ethic' in all citizens. For those who chose to resist, or were unable to engage, these new social mores, a range of institutions awaited. The penitentiary, the workhouse, the poorhouse and the lunatic asylum were all enlarged in their scale and scope and became the

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<sup>2</sup> For example, see E. Hobsbawm, *Uncommon People: Resistance, Rebellion and Jazz* (London, 1998).

<sup>3</sup> J.B. Hirst, *Convict Society and its Enemies: A History of Early New South Wales* (Sydney, 1987); and, S. Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Past* (Cambridge, 1988).

<sup>4</sup> See E.P. Thompson, *The Making of the English Working Class* (London, 1991).

means for the reformation of body, mind and soul that the new capitalist elite demanded. As Elizabeth Windschuttle has put it:

They removed the individual from the social environment and established total control over his or her physical movements and use of time and space. All sought to achieve total discipline over their inmates.<sup>5</sup>

Institutions were the means by which the undeserving were to be re-made, compliant and productive, for the rapidly expanding proletariat workforce. The changes that took place in society can be viewed under a number of thematic headings; dominant amongst which are order, control, resistance, reform, discipline, compliance, deterrence, surveillance, classification and seclusion. These themes weave their way through the fabric of this thesis.

The changes that took place as a result of the social and economic turmoil of the first decades of the nineteenth-century saw institutional buildings become part of the social fabric and built landscape of that century. They allowed Victorians to order their world while they simultaneously served as a vehicle to legitimatise the monopoly held by elites on social power and their capacity to dominate the lower orders. In this, the Australian colonies, as an extension of the greater nineteenth-century Atlantic world, followed a similar pattern which was to see those perceived as deviant elements consigned to the realm of institutional space. Institutions were (and remain) demarcated spaces where a performance in class, age, economic power, as well as physical and mental status was played out.<sup>6</sup> In Tasmania, the convict system supplied the infrastructure necessary to operate and perpetuate the use of built space as a major management tool in the colonial charitable system. The treatment of invalids was initially an extension of the convict system, in that it developed out of a strategy to manage convicts unfit for labour. Even after the establishment of 'responsible' self-government in Tasmania, in 1856, invalids continued to be treated more as criminals than as patients, with many being

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<sup>5</sup> E. Windschuttle, 'Women and the origins of colonial philanthropy' in R. Kennedy (ed.), *Australian Welfare History: Critical Essays* (South Melbourne, 1985), p. 10.

<sup>6</sup> The term 'performance' is used here in the context of a metaphor for the way in which histories make a present out of the past and transform the lived experiences of the past into narratives, into sets of symbols, with meaning for our present relationships. This usage is espoused in G. Denning, *Performances* (Chicago, 1996).

off-loaded to still functioning imperial penal establishments. In the 1850s and 1860s, the charitable system functioning in Tasmania for the management of pauper invalids operated as a relic of the convict system. Its evolution into a health management system by Federation reflected a significant change in social perception.

Michel Foucault has had a profound influence upon the thinking of modern historians. His themes — power as action through knowledge (the ‘*pouvoir/savoir* relationship’), surveillance, domination, control and discipline — have been integral in shaping contemporary theory relating to the social control of deviant elements.<sup>7</sup> Foucault’s writings have had a particularly important influence on the history of evolving professionalisation in administrative structures and the deployment of the ‘tactics of discipline’; especially classification, inspection and surveillance. The development of disciplinary tactics bestowed authority on a new bureaucratic elite, empowering them to exercise a ‘total control’ over paupers in general, and invalids in particular. Along with Foucault, other historians, such as E. P. Thompson, have highlighted the importance to the changing nineteenth-century social structure, of the internalisation of discipline and the means by which this was achieved.<sup>8</sup> While this thesis will argue that knowledge gained from professional record keeping and the rise in the importance of case management is power, enabling new technologies of discipline and punishment, it was also a vehicle which delivered tangible gains for the aged poor.

While mindful of comparative developments in, and influences from, the other Australian colonies and countries throughout the Atlantic world, this research is concerned with the transformations which took place in colonial Tasmania. Due to its distinctive ‘penal’ past Tasmania presents an interesting variant on the changing social perceptions towards the aged poor in the latter

<sup>7</sup> See M. Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, 1988), and *Discipline and Punish: The Birth of the Prison* (Harmondsworth, 1991).

<sup>8</sup> Thompson, *The Making of the English Working Class*.

half of the nineteenth-century. The period under study is 1840 to 1901. Within the Tasmanian context, this could be referred to as the time from Probation to Federation. This chronological frame has been selected for a number of reasons. The introduction of the probation system for the management of convicts was chosen as the starting point because it was largely this system which gave rise to the initial infrastructure used to institutionalise the aged poor. The introduction of probation also saw a massive growth in the numbers of transportees who stoked the dormitories of Tasmania's charitable institutions for the next 60 years. In other colonies, the majority of paupers arrived in Australia as assisted migrants expelled as surplus to requirements from Britain's industrial march and, in this respect, Tasmania was notably different. Further, it was the administrators of the probation system who advocated, approved and implemented the policy of institutionalisation which dominated the second half of the century. The temporal cut-off point for the thesis is 1901. This reflects the administrative affect of Federation. Following the formation of the Commonwealth of Australia, Federal policy decisions had a greater impact on management of the aged poor than State directives, and thus the importance of the Tasmanian government in the care of the aged diminished in the face of uniform Federal legislation.

The major components of the nineteenth-century Tasmanian pauper population were:—

1. the unemployed, under-employed, men and women temporarily unable to work due to illness or injury, deserted mothers and children, widows with children, mothers whose spouse was imprisoned, able-bodied vagrants, beggars and the like;
2. orphans and other children of the poor;
3. the invalids who were made up of the physically disabled and maimed; *sufferers of chronic diseases, illnesses and ailments*; and the old aged; and,
4. the insane, the mad, the simple minded, and epileptics.

With the exception of some members of the first category all these groups were subjected to institutionalisation in built space. Those individuals falling into the third category, the single males and females who were economically unable to support themselves (or did not have the support of friends or family) due to age and infirmity are the focus of this research. It is also beyond the scope of this thesis to deal with other categories of paupers, such as the mad, orphans or those suffering from medically acute conditions. In regards to the Tasmanian context attention is given to these subjects by Ralph Gowland, Joan Brown and Kim Pearce.<sup>9</sup>

This study, while not disregarding the impact of invalidism upon women, has only a limited discourse on the part they played in the charitable system. The lesser status was not intentional, rather it reflects the paucity of the evidence surviving which relates to female invalids. An extensive archival search was undertaken, in part to give a greater gender balance to the research. What this revealed was that experiences of aged and infirm females were in many respects akin to their male counterparts, but of greater severity and harshness.

The term invalid was initially used in Van Diemen's Land to refer to prisoners temporarily excluded from participating in the convict workforce due to illness or accident. There was an acute aspect to those defined as invalid but, over time, the term became synonymous with chronic complaints, often associated with old age or visual impairments, causing either permanent exclusion from the workforce or an ongoing reduced capacity to labour.<sup>10</sup> During the second quarter of the nineteenth-century,

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<sup>9</sup> R.W. Gowland, *Troubled Asylum* (Hobart, 1996); J.C. Brown, 'Poverty is Not a Crime': *Social Services in Tasmania 1803-1900* (Hobart, 1972); and, K. Pearce, 'The Queen's Orphan Asylum — New Town' in I. Terry and K. Evans (eds), *Hobart's History: The First Two Hundred Years: Papers and Proceedings of the Conference Held by the Professional Historians Association of Tasmania on 4 October, 1997* (Hobart, 1998), pp. 19-34.

<sup>10</sup> Simone de Beauvoir has written that throughout the Atlantic world of the nineteenth-century there was a marked increase in pauperism of the elderly of the working class. She argues that 'In every country, those [workers] who survived were reduced to extreme poverty when their age deprived them of their jobs.' (S. de Beauvoir, *Old Age* (1972), p. 193.)

those factors which marked one as an invalid changed increasingly from acute to chronic conditions coupled with the effects of age; indeed, age-related illness increasingly came to be seen as the dominant cause of pauperism. For the purposes of this study the term 'pauper' will be used to define those individuals, men and women, who were in receipt, or in need, either permanently or regularly, of government or private charitable assistance, in order to subsist economically, materially or medically. It is a generic term covering all socially, economically and medically disadvantaged individuals; what Roy Porter calls 'society's flotsam and jetsam'.<sup>11</sup> Paupers were, however, distinct amongst the poor; as the poor were not always economically unable to subsist, but often moved in and out of poverty and pauperism. The term 'invalid' will be applied to those persons who, whilst a sub-component of 'pauper', are distinguished by their incapacity to work due to physical impediments which defined them, in the vernacular of nineteenth-century middle class, as non-able-bodied, due to medical conditions resultant from congenital defects, injury, disease or old age.

In the mid 1870s, charitable establishments were classified by the Government Statistician as consisting of general hospitals, hospitals for the insane, pauper establishments, and the Queen's Asylum for Destitute Children.<sup>12</sup> In the context of this thesis, the term is used to refer to those institutions which accommodated invalids, principally general hospitals and pauper establishments to begin with, but almost solely pauper establishments after 1880. Terms such as charitable institution, invalid depot, pauper establishment and benevolent asylum were used interchangeably in nineteenth-century Tasmania, and this usage has been retained here. Semantics aside, all these places were 'total institutions', as defined by Erving Goffman, as places of:

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<sup>11</sup> R. Porter, *English Society in the Eighteenth Century* (Harmondsworth, 1990), p. 84.

<sup>12</sup> TLCP, 23, 1876, Paper 1, p. xx.

residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administrated round of life.<sup>13</sup>

Ursula Henriques has argued that when investigating the nineteenth-century developments which led to the social welfare state, an inquiry of the class dimension is inescapable. However, she cautions against imposing too resolute a class structure upon the process of historical inquiry, pointing out that the degree to which identification of class played a conscious role in directing the implementation of social administration 'must always be arguable.'<sup>14</sup> This is a timely reminder that care needs to be exercised not to privilege class structure as a mechanism for interpreting social agency and change. The perception of class consciousness is, nevertheless, a facet of this discourse. However, this thesis does not address the issue of class structure in nineteenth-century Tasmania. It does, though, utilise a framework of four class groupings: an elite, a middle class, a working class and a pauper/criminal class.<sup>15</sup> Others have argued and debated the nature and existence of class in colonial Tasmania. Shayne Breen, for example, is one historian who has strongly framed his discourse around an analysis of power, place and social law within a class structured argument, maintaining that Tasmania had a well developed 'class-differentiated population' by the second half of the nineteenth-century.<sup>16</sup> What is important for the purposes of this discussion is the perception that various social groupings had of one another, and the way in which these were, in turn, applied to further social identification. Thompson has argued along these lines maintaining that 'class

<sup>13</sup> E. Goffman, *Asylum: Essays on the Social Situation of Mental Patients and Other Inmates* (Harmondsworth, 1971), p. 10.

<sup>14</sup> U.R.Q. Henriques, *Before the Welfare State: Social Administration in Early Industrial Britain* (London, 1979), p. 8.

<sup>15</sup> Deborah Oxley has drawn attention to misconstruing the concept of a criminal class as anything other than an ideological construct used by a group of 'moral entrepreneurs', such as Henry Mayhew, to conjure up a threat by an 'imagined grouping of recidivists in their battles to increase police forces, modify systems of prosecution and punishment, change laws, alter welfare provisions, and in a host of other goals if achieved would [have] enhance[d] the[ir] . . . political positions'. D. Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, 1996), p. 213 and D. Oxley, 'Representing convict women' in I. Duffield and J. Bradley (eds), *Representing Convicts: New Perspectives on Convict Forced Labour Migration* (London, 1997), p. 98.

<sup>16</sup> S. Breen, *Contested Places: Tasmania's Northern Districts From Ancient Times to 1900* (Hobart, 2001), p. 149.



is a relationship and not a thing', it is 'defined by men as they live their own history, and, in the end, this is its only definition.'<sup>17</sup> The elite and middle classes spoke of a 'pauper and vagrant community'.<sup>18</sup> Whether such existed is to some extent irrelevant. What is important is that there were individuals who believed in such, who in turn defined themselves by identifying that they were distinct and apart from such persons.<sup>19</sup> In a post-transportation society this was an important issue, for as Michael Sturma has put it "[f]or some people to assume a role as 'respectable' members of the community, it was necessary to identify other persons as disreputable", of belonging to a criminal class.<sup>20</sup> In particular, those termed 'middle class' are defined not so much by what they had in common with one another, but by what they perceived as differences to other groups. Unquestionably, they did share certain values, such as thrift and self-help, but as The Wapping Group has expressed it, this 'class' also encompassed 'a wide range of people, some of whom ha[d] little in common', as will be shown in their divisiveness over the most appropriate manner to relieve invalid distress, destitution and poverty.<sup>21</sup> However, '[o]ne common denominator was their perceived superiority to the working class and their assumption of the right to control it.'<sup>22</sup> 'Class', as used in this thesis is in keeping with Thompson's use of this term. He argued that:

<sup>17</sup> Thompson, *The Making of the English Working Class*, p.10.

<sup>18</sup> TLCP, 24, 1877, Paper 16, p. 3.

<sup>19</sup> Thompson supports this position, arguing that 'class happens when some men, as a result of common experiences (inherited or shared), feel and articulate the identity of their interests as between themselves, and as against other men whose interests are different from (and usually opposed to) theirs.' See Thompson, *The Making of the English Working Class*, pp.8-9.

<sup>20</sup> M. Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales* (St Lucia, 1983), p. 187. Kay Daniels has also argued along similar lines holding that "Respectability is defined by differentiation, and the respectable classes required the 'other' behaviour of a 'rough' labouring class and a 'debauched' upper class from which to differentiate themselves." K. Daniels, *Convict Women* (St Leonards, 1998), p. 161. In like manner R. S. Neale has argued that the middle class 'were more sure about what they were not than what they were.' R.S. Neale, *Class and Ideology in the Nineteenth Century* (London, 1972), p. 6.

<sup>21</sup> The Wapping Group, *Down Wapping: Hobart's Vanished Wapping and Old Wharf District* (Sandy Bay, 1994), p. 77.

<sup>22</sup> *ibid.* Leonore Davidoff and Catherine Hall have argued that middle class concerns at controlling behaviour, both of themselves and those they perceived as being lower orders arose partly from uncertainty related to 'shifting economic fortunes but also from the depredations of illness and accident.' They point out that despite their relative high standard of living, the middle class did suffer during epidemics of infectious disease, and that death from tuberculosis was an ever present threat. The repercussions of economic or

Class is a social and cultural formation (often finding institutional expression) which cannot be defined abstractly, or in isolation, but only in terms of relationship with other classes; and, ultimately, the definition can only be made in the medium of *time* — that is, action and reaction, change and conflict. When we speak of a class we are thinking of a very loosely defined body of people who share the same congeries of interests, social experiences, traditions and value-system, who have a *disposition to behave* as a class, to define themselves in their actions and in their consciousness in relation to other groups of people in class ways. But class itself is not a thing, it is a happening.<sup>23</sup>

Exploration of nineteenth-century deviant behaviour has generated a considerable body of theory, and while this thesis uses theory, it is not about theory. Certain theoretical positions are used, and adapted, when they relate to the arguments of this discourse. As Stanley Cohen has put it '[i]deas are part of the market place and not commodities to be fettered by the privileged few.'<sup>24</sup> Nevertheless, an outline of the theoretical underpinning of the history of institutionalisation is necessary as a background for the subsequent discussion. Broadly speaking, there are three main theoretical postures that have been proposed to interpret the history of institutions and the institutionalisation of deviant elements. These paradigms may be concisely referred to as the Whig humanitarian explanation, the social control explanation, and the independent action explanation. In the first, change results from benevolent intentions, in the second from the intent to retain and expand social, economic and political power and, in the third there is presumed to be no intent.

The Whig humanitarian explanation, or progressivist model, assumes that the transformations which took place in the management of deviant social elements in the nineteenth-century were advanced out of idealistic humanitarian concerns for the disadvantaged, that they progressively led to improving management regimes almost without conflict, and that if there

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bodily calamity could easily see middle class families sink 'into the ranks of those who had little but their labour to sell.' This was a powerful motive to enact order and bring control to society. L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850* (London, 1987), p. 22.

<sup>23</sup> E.P. Thompson, 'Peculiarities of the English', p. 357, cited in Thompson, *The Making of the English Working Class*, p. 939. (Emphasis in original.)

were any negative facets to the changes then these were totally unintentional.<sup>25</sup> Within the framework of this theory:

change constitutes 'reform' (a word with no negative connotations); all reform is motivated by benevolence, altruism, philanthropy and humanitarianism, and the eventual record of successive reforms must be read as an incremental story of progress.<sup>26</sup>

Richard Kennedy has argued that implicit with this model is the conviction that:

Welfare is forever about the bourgeoisie establishing institutions and solving 'social problems' for the lower orders. Whig welfare history thus tells the story of the rise, somewhere in the 1890s, of humane state action to assist the poor and oppressed, and thereafter of the constant unilinear unfolding of a 'welfare state' achieved by 'reform' and 'consensus' within 'the community'.<sup>27</sup>

A related theory, one which is less idealistic and a little more sceptical, and which attempts to address the inability of the Whig model to adequately explain the observable phenomena of institutionalisation, has been put forward by David Rothman, in *The Discovery of the Asylum*.<sup>28</sup> In his hypothesis, deviant elements were excluded from society and isolated within institutions which were moulded to represent a microcosm of the perfect social order, a utopia in which deviants, isolated from debasing influences, would be transformed through subjugation to a regime of discipline, order and regulation.<sup>29</sup> This explanation for the rationale behind the rise in importance of the institution, stresses the fears present in Jacksonian society, particularly in relation to public instability caused through increasing social mobility. The development of an institutional landscape, from the 1820s onwards, is interpreted as a mechanism for Jacksonian Americans to 'return to the

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<sup>24</sup> S. Cohen, *Visions of Social Control: Crime, Punishment and Classification* (Cambridge, 1990), pp. 9-10.

<sup>25</sup> For an example of such a work see D. Marshall, *The English Poor in the Eighteenth Century: A Study in Social and Administrative History* (London, 1969).

<sup>26</sup> Cohen, *Visions of Social Control*, p. 18.

<sup>27</sup> R. Kennedy, 'Introduction: against welfare' in R. Kennedy (ed.), *Australian Welfare History: Critical Essays* (South Melbourne, 1985), p. 6.

<sup>28</sup> D.J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, 1971). Also see D.J. Rothman, *Conscience and Convenience: the Asylum and its Alternatives in Progressive America* (Boston, 1980).

<sup>29</sup> See Cohen, *Visions of Social Control*, pp. 19-21.

purportedly stable world of their parents, . . . to put the genie of social mobility back in the bottle.<sup>30</sup> This model maintains that the motives which drove institutionalisation were worthy but recognises that they had disastrous consequences. This is what Cohen has referred to as the 'we blew it' version of history.<sup>31</sup>

The social control rationalisation, or 'revisionist' history of institutions, has been strongly advocated by Foucault, particularly in his works *Madness and Civilization* and *Discipline and Punish*.<sup>32</sup> It has also received strong support through other widely read histories such as Michael Ignatieff's *A Just Measure of Pain*, and Dario Melossi and Massimo Pavarini's *The Prison and the Factory*.<sup>33</sup> In reviewing the tenets of these explanations, Cohen has succinctly identified four key features, or momentous changes, that the social control model predicts. These are:

- (1) The increasing involvement of the state in the business of deviancy control — the eventual development of a centralized, rationalized and bureaucratic

<sup>30</sup> M. Meranze, 'The conundrums of discipline in the early American republic', unpublished paper presented at the Ball and Chain: Colonial Australia in Global Perspective Conference, University of New South Wales, 4-6.12.1996. Also see, M. Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835* (Chapel Hill, 1996), p. 5.

<sup>31</sup> Cohen, *Visions of Social Control*, p. 19.

<sup>32</sup> Foucault, *Madness and Civilization*; and, M. Foucault, *Discipline and Punish: The Birth of the Prison* (Harmondsworth, 1991).

<sup>33</sup> M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London, 1978); and, D. Melossi and M. Pavarini, *The Prison and the Factory: Origins of the Penitentiary System* (London, 1981). It would be misleading to imply that the social control model owes its eminence solely to these works. There are a number of other publications which have played a prominent role in its dissemination; such as, Goffman, *Asylum*; T.S. Szasz, *The Myth of Mental Illness* (New York, 1970); T.S. Szasz, *Cruel Compassion: Psychiatric Control of Society's Unwanted* (New York, 1994); C. Lasch, 'Origins of the asylum' and 'The discovery of the asylum' in C. Lasch, *The World of Nations* (New York, 1974), pp. 3-17 and 313-6; A.T. Scull, *Museums of Madness: The Social Organisation of Insanity in Nineteenth Century England* (London, 1979); S. Cohen and A.T. Scull (eds), *Social Control and the State: Historical and Comparative Essays* (Oxford, 1985); F.F. Piven and R.A. Cloward, *Regulating the Poor: The Functions of Public Welfare* (New York, 1971); R. Porter, *Mind-Forg'd Manacles: A History of Madness in England from the Restoration to the Regency* (London, 1987); Porter, *English Society in the Eighteenth Century*; D. Garland, *Punishment and Welfare: A History of Penal Strategies* (Aldershot, 1985); Henriques, *Before the Welfare State*; and A.P. Donajkowski (ed.), *Social Control in Nineteenth Century Britain* (London, 1977). For a critical analysis of the major theoretical renditions, as well as a review of the reviewers of these, see A. Howe, *Punish and Critique: Towards a Feminist Analysis of Penality* (London, 1994).

apparatus for the control and punishment of crime and delinquency and the care or cure of other types of deviants.

(2) The increasing differentiation and classification of deviant and dependent groups into separate types and categories, each with its own body of 'scientific' knowledge and its own recognized and accredited experts — professionals who eventually acquire specialized monopolies.

(3) The increased segregation of deviants into 'asylums' — penitentiaries, prisons, mental hospitals, reformatories and other closed, purpose-built institutions. The prison emerges as the dominant instrument for changing undesirable behaviour and as the favoured form of punishment.

(4) The decline of punishment involving the public infliction of physical pain. The mind replaces the body as the object of penal repression and positivist theories emerge to justify concentrating on the individual offender and not the general offence.<sup>34</sup>

In many respects this model presents a pessimistic view of the motivation behind observed institutional changes. Unlike Rothman's perspective, its leading proponents do not believe that the nineteenth-century reformers, administrators and bureaucrats accidentally got it wrong. There were no disastrous consequences; on the contrary, the system delivered what was intended. According to this view of history:

The new control system served the requirements of the emerging capitalist order for continual repression of the recalcitrant members of the working class and, at the same time, continued to mystify everyone (including the reformers themselves) into thinking that these changes were fair, humane and progressive.<sup>35</sup>

In this model, it was the new capitalist social order which was the force driving change. Melossi and Pavarini present what is the most orthodox Marxist version stressing the application of refined disciplinary techniques, developed in the prison, to the emerging structures of capitalism, such as the factory, and their eventual pervasion of the whole of society in the development of an acquiescent proletariat. They advance a theory in which the elaboration of the prison, in common with other ancillary institutions (such as the invalid depot), was inextricably linked to the development of the capitalist mode of production. From this, they argue that profound structural changes that this brought about in society:

<sup>34</sup> Cohen, *Visions of Social Control*, pp. 13-14.

<sup>35</sup> *ibid.*, p. 22.

must have been accompanied by similar radical alterations in the sphere of social control and of the reproduction of the labour force: the relationships between primary and secondary social control were shaken up as was the very administration of various forms of control.<sup>36</sup>

Ignatieff presents a somewhat milder rendition in which he places greater emphasis on the role played by religious convictions and philosophical beliefs, as opposed to economic determinism.<sup>37</sup> Nevertheless, Ignatieff argues that the penitentiary prison was but one of an array of 'total institutions' imposed upon the nineteenth-century working class as a means to discipline its deviant elements. Robin Evans has approached the subject from the angle of the architecture, or rather the division of space, as a means of social control. While focussing primarily upon penal design, he nevertheless considers the range of allied institutions. He argues that:

In the late eighteenth century and the first decades of the nineteenth, the alliance between reform and architecture was producing a series of new building types — the hospital, the orphanage, the prison, the lunatic asylum, the workhouse — which set out to quarantine and correct abnormal conditions.<sup>38</sup>

He further maintains that as the nineteenth-century progressed, an ideology of social control based upon lessons learnt in prison architecture, in terms of the subdivision and control of space, increasingly impacted upon all facets of life, from the structure of towns and delineations between individual residences, to the nature of the family unit.

The 'major' promoter of the social control model is, of course, Foucault. Cohen has concisely summarised Foucault's position (something Foucault does not).<sup>39</sup> He argues that:

To Foucault, power and knowledge are inseparable. Humanism, good intentions, professional knowledge and reform rhetoric are neither in the idealistic sense the producers of change nor in the materialist sense, the mere product of changes in the political economy. They are inevitably linked in a

<sup>36</sup> Melossi and Pavarini, *The Prison and the Factory*, p. 6.

<sup>37</sup> Ignatieff, *A Just Measure of Pain*.

<sup>38</sup> R. Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840* (Cambridge, 1982), p. 407.

<sup>39</sup> Cohen, *Visions of Social Control*, pp. 24-7.

power/knowledge spiral: forms of knowledge such as criminology, psychiatry and philanthropy are directly related to the exercise of power, while power itself creates new objects of knowledge and accumulates new bodies of information.<sup>40</sup>

In Foucault's hypothesis, the establishment of institutions in conjunction with a professional bureaucracy and administration, to combat perceived deviancy, constituted the implementation of what Alec McHoul and Wendy Grace have referred to as "an 'apparatus' composed of power relations coordinated in relationships with systems of knowledge."<sup>41</sup> Foucault stresses the role played by institutions as a component of an array of techniques used to modify social behaviour, which he refers to as 'disciplines'. McHoul and Grace have interpreted the introduction of these disciplines as a reflection of 'a wider societal emphasis on *rational* procedures as the most effective way of inducing certain bodily effects.'<sup>42</sup> These were effects designed to extend an individual's useful skills and to foster obedience. Power exerted through the 'disciplines' was to reform the human body and soul to make it engage more efficiently with the new social and industrial landscape. James Bradley and Hamish Maxwell-Stewart have described this as the body becoming a focus of discourse, 'the link between social practice and the exercise of power.'<sup>43</sup> In their interpretation of Foucault they argue that the carceral society was born as an outcome of a redirection of punishment upon the soul of deviants and the requirement of bodily submission. They further maintain that complementary with these developments:

was the desire of institutions (governments, prisons, hospitals) to 'know' the subject — to observe, categorize and classify. In this way knowledge was produced which was used to regulate the lives of individual agents enmeshed in the distribution of power.<sup>44</sup>

<sup>40</sup> Cohen, *Visions of Social Control*, p. 25.

<sup>41</sup> A. McHoul and W. Grace, *A Foucault Primer: Discourse, Power, and Subject* (Melbourne, 1995), p. 67.

<sup>42</sup> McHoul and Grace, *A Foucault Primer*, p. 68. (Emphasis in original.)

<sup>43</sup> J. Bradley and H. Maxwell-Stewart, 'Embodied explorations: investigating convict tattoos and the transportation system' in I. Duffield and J. Bradley (eds), *Representing Convicts: New Perspectives on Convict Forced Labour Migration* (London, 1997), p. 187.

<sup>44</sup> *ibid.*

Edward Said has, however, noted a weakness in Foucault's hypothesis in that the theoretical power of the institution to control inmate behaviour was in practice blunted. Moreover, he argued that:

Foucault seemed to have been confused between the power of institutions to subjugate individuals, and the fact that individual behaviour in society is frequently a matter of following rules and conventions.<sup>45</sup>

The 'disciplines' were administered, according to McHoul and Grace, through four principal mechanisms: *spatial* distribution, such as incarcerating individuals in institutions; control of *activities*, such as the regimentation of labour and the indoctrination of an ideology of time; the organisation of *segments or stages* of training enabling the acquisition of complex skills and the differentiation of proficiency levels; and, the general *coordination* of all constituent elements.<sup>46</sup>

Gerald Grob has proposed a third interpretation, the independent action explanation, which, while it bears some similarities to the Whig model of social change, exhibits a sufficient degree of divergence to warrant being considered separately.<sup>47</sup> This theory takes a middle position between the Whigs and the social controllers. It offers an explanation for social change via a multi-causal model, while both the Whig and Foucaultian explanations are based upon single causal agents. What Grob argues is that historians should pay more attention to the processes of social change as opposed to their outcomes.<sup>48</sup> Grob's interpretation is based upon the premise that human beings cannot mould or control society in predetermined and predictable ways. In saying this, Grob does not mean that there are no mechanisms for influencing the direction of social change, only that the agencies society engages are often flawed and that decisions taken often have unforeseen consequences. Nor does he believe that 'human history can be explained in deterministic or quasi-deterministic ways, or that solutions are readily

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<sup>45</sup> E.W. Said, 'Foucault and the imagination of power' in D.C. Hoy (ed.), *Foucault: A Critical Reader* (Oxford, 1994), p. 151.

<sup>46</sup> See McHoul and Grace, *A Foucault Primer*, pp. 68-70.

<sup>47</sup> See G.N. Grob, *The Mad Among Us: A History of the Care of America's Mentally Ill* (New York, 1994).

<sup>48</sup> G.N. Grob, *Mental Institutions in America: Social Policy to 1875* (New York, 1973), p. 28.



available for all problems.<sup>49</sup> As he put it '[t]ragedy is a recurring theme in human history and defines the very parameters of our existence.'<sup>50</sup> Grob does not imply blame, as does Rothman, and unlike the proponents of the social control model, who insinuate a conspiracy to de-power and transform deviant elements by institutional administrators and their masters, Grob attempts to comprehend the magnitude of the difficulties that past administrators faced and thus he sympathises with their predicament. He has argued that the development of lunatic asylums in the United States was not related to underlying middle class anxiety over social disorder. Rather, he reasons that:

Demographic changes, a growing sensitivity to social and medical problems, a surge of philanthropic giving by elite groups and knowledge of significant medical and psychiatric developments in France and England all combined to give rise to a movement to establish mental hospitals.<sup>51</sup>

With distinct Whiggish overtones he further maintains that the proponents of asylums were motivated primarily with 'uplifting the mass of suffering humanity'.<sup>52</sup> That the great expectations held in the capacity of the asylums to cure were not achieved Grob explains as a result of complex factors beyond the scope of those who administered the institutions; problems which were remarkably similar to those which beset charitable institution administrators in Tasmania (see Chapters Three and Four). In broadening his argument, Grob speculates that the lunatic asylum was 'not fundamentally dissimilar from most human institutions, the achievements of which usually fall far short of the hopes and aspirations of the individuals who founded and led them.'<sup>53</sup> In reviewing Grob's counter to the 'social control historians', Tom Brown has concluded that he:

seeks to provide what is, in effect, a more traditional multi-causal explanation of both the origins and transformation of the asylum from a curative into a

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<sup>49</sup> Grob, *The Mad Among Us*, p. x.

<sup>50</sup> *ibid.*

<sup>51</sup> Grob, *Mental Institutions in America*, p. 35.

<sup>52</sup> *ibid.*, p. 109. Rothman has argued, specifically in relation to the social control model, that it denigrates such motives, maintaining that under the arguments of social control 'reforms assume a dubious, really mischievous character and the reformers appear at best naïve, and at worst duplicitous.' D. Rothman, 'Social control: the uses and abuses of the concept in the history of incarceration' in S. Cohen and A.T. Scull (eds), *Social Control and the State: Historical and Comparative Essays* (Oxford, 1985), p. 106.

<sup>53</sup> Grob, *Mental Institutions in America*, p. 342.

custodial institution in nineteenth century America. He eschews any attempt to psycho-analyse the early promoters of the asylum. He accepts their rhetoric at face value and therefore finds little evidence to support the contention of the 'radical' historians that these men were engaged in what amounted to a conspiratorial exercise in social control. For Grob, the failure of the asylum partakes much less of conspiracy than of tragedy.<sup>54</sup>

Grob is but one of a number of historians who have expressed their disagreement with the position taken by Foucault and the other social control advocates. Martin Wiener has criticised the supplanting of Whiggism by social control orthodoxy. He states that '[t]o replace humanitarian reform by social control is to offer one simplism in the place of another.'<sup>55</sup> He argues that human motives and interests are more complex and more problematic, and the institutions of society responsive to a greater variety of motives and serve a wider array of interests, than that of social control.<sup>56</sup> Another historian who has remonstrated against the social control position is Gertrude Himmelfarb. She has pointed out that:

The difficulty with the theory of 'social control' is that it can be neither proved nor disproved, since it can account for anything and everything: the restriction of poor relief or its expansion, the provision of education for the poor, or the failure to provide such education, the passage of a Ten Hours Bill or the defeat of that bill, a religious movement that catered to the poor or one that ignored the poor.<sup>57</sup>

Other historians have also challenged the centrality of a widespread social strategy, based upon precepts of social control and discipline as the driving force behind social change, from the Enlightenment onwards. Amongst these are to be found Peter Linebaugh, John Langbein, Pieter Spierenburg, Louis Masur, V. A. C. Gatrell, and even Michael Ignatieff, who appears to have reviewed his position and lessened his emphasis upon the exigencies of capitalist social order as an exclusive agent of change.<sup>58</sup> What these historians,

<sup>54</sup> T. Brown, "Architecture as therapy", *Archivaria* 10 (Summer, 1980), p. 109.

<sup>55</sup> M.J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge, 1994), p. 8.

<sup>56</sup> *ibid.* Also see M.J. Wiener, 'Social control in nineteenth century Britain', *Journal of Social History* 12 (1978-9), pp. 314-21.

<sup>57</sup> G. Himmelfarb, *The Idea of Poverty: England in the Industrial Age* (New York, 1984), p. 41. This point was also made by Stephen Garton in *Medicine and Madness: A Social History of Insanity in New South Wales, 1880-1940* (Kensington, 1988), pp. 3-4.

<sup>58</sup> P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge, 1992); J.H. Langbein, 'Albion's fatal flaws', *Past and Present*, 98 (1983), pp. 96-120; P. Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression:*

and others, have stressed is that solely, or primarily, interpreting social transformations in light of social control nullifies, diminishes, underestimates and eliminates the contribution of all other cultural factors in bringing about change. It also excluded other motives, such as engendering social cohesion, improving public communication, individualising social problems and marginalising social division.<sup>59</sup> Rothman has argued that historians need:

to read the rhetoric of reform with a more cold and calculating eye, to entertain the idea that a series of motives, not all benign, might well produce a seemingly humanitarian proposal.<sup>60</sup>

That is, historians need 'to devote far greater attention to the outcome of innovations, to become more concerned with the reality than with rhetoric.'<sup>61</sup>

To a substantial degree, the various versions of the social control theory remove human agency from the equation. This is particularly the case in relation to the variant propounded by Foucault. It is totalising, denies agency and disempowers the subjects of analysis.<sup>62</sup> It also denies the capacity for the

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*From a Preindustrial Metropolis to the European Experience* (New York, 1984); L.P. Masur, *Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865* (New York, 1989); V.A.C. Gattrell, *The Hanging Tree: Execution and the English People, 1770-1868* (New York, 1994); M. Ignatieff, 'State, civil society and total institutions: a critique of recent social histories of punishment' in S. Cohen and A. Scull (eds), *Social Control and the State: Historical and Comparative Essays* (Oxford, 1985), pp. 75-105.

In responding to his critics, Ignatieff has admitted that he and Foucault "oversimplified the nature of the transformation and exaggerated the extent to which the governments of the time were able to implement the new penitential 'carceral regime'." (D. Philips, "A just measure of crime, authority, hunters and blue locusts: the revisionist social history of crime and law in Britain, 1780-1850" in S. Cohen and A.T. Scull (eds), *Social Control and the State: Historical and Comparative Essays* (Oxford, 1985), p. 61.) Nevertheless, he has not abandoned his original beliefs as to the nature of reform and the motivation behind those advocating them. What he has said is that it has become clearer to him, since writing *A Just Measure of Pain* that the adoption of the institutional solution 'cannot be explained in terms of their supposed utility in manufacturing social divisions within the working class.' (Ignatieff, 'State, civil society and total institutions', p. 92.)

<sup>59</sup> S. Breen, 'Outdoor poor relief in Launceston, 1860-1880', *Tasmanian Historical Research Association Papers and Proceedings*, 38, no. 1 (1991), p. 46; and, Meranze, *Laboratories of Virtue*, pp. 14-15.

<sup>60</sup> Rothman, 'Social control', p. 112.

<sup>61</sup> *ibid.*

<sup>62</sup> Andrew Scull has made the point that it is important to recognise the role deviants play in regard to their own actions achieving, rather than having ascribed, their status; that status depends not exclusively upon circumstances and forces external to the individual. See A.T. Scull, *Decarceration: Community Treatment and the Deviant, a Radical View* (Cambridge, 1984), p. 7.

tools of social control, Foucault's 'practices and technology of discipline', to procure anything other than intensifying 'Power'. In particular, Michael Meranze has singled out Foucault's removal of human agency as a significant flaw in his work. Meranze has argued, that while Foucault's principal works utilise 'numberless actors and speakers . . . they were, in a sense, marginal to Foucault's interpretative objectives.'<sup>63</sup> Meranze maintains that:

Foucault sought to displace attention from subjective intent to repetitious action, from reformers' beliefs to those social conditions that made such beliefs possible and rational. For Foucault, the humanization of punishment emerged from the spread of disciplinary practices.<sup>64</sup>

This thesis argues that the spread of such practices not only led to the humanisation of institutionalisation but that they led to the re-incorporation of human agency (if indeed this had ever been dis-incorporated) and gave visibility to, and humanised, those being 'disciplined'. The techniques of discipline: inspection, examination, documentation, classification, segregation and continuous surveillance, gave a social recognition to both the character of the deviancy and to the individual deviants themselves, which had previously not existed. This, Foucault acknowledges, arguing that the process of discipline individualises the subject.<sup>65</sup> But individualisation is not the same as visibility. The knowledge that the techniques of discipline procured rendered a power, not only to an elite, but to the entire community, which empowered it to reform the management of the aged for motives other than social control. These motives resulted from a number of social changes, which combined with a greater understanding (knowledge) of deviants to bring about a change in treatment regimes (a theme which is discussed in Chapters Eleven and Twelve). This research will demonstrate that the 'disciplines' procured social change, but in a manner very different from that perceived by Foucault.

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<sup>63</sup> Meranze, *Laboratories of Virtue*, p. 7.

<sup>64</sup> *ibid.*

<sup>65</sup> McHoul and Grace, *A Foucault Primer*, p. 72.

Although there has been a plethora of writing on transportation, convictism and the development of society within the Australian colonies, there has with few exceptions been a general neglect of the history of the infirm, the blind, the sick, and the aged convict and emancipist. In short, Australian convict studies have focussed upon what can be regarded as the temporal infancy, childhood, adolescence and adulthood of the convict system, but study of its old age has very much been relegated to the sidelines. This is somewhat surprising given the presence of invalids from the earliest days of European settlement. According to John Bostock, the record of sick in the first hospital in 1788 recorded 52 convicts who 'were unfit for labour from old age or infirmity.'<sup>66</sup> Margaret Weidenhofer also contends that many of the first convicts 'were too old to do any manual labour'.<sup>67</sup> Likewise, the body of research on the history of old age in Australia is very small. There exist few works on the relief of the aged poor in the nineteenth-century, especially the treatment of the aged and infirm emancipist. While invalids are not entirely ignored, they usually only appear on the periphery of more general works tackling issues of poverty among the fit and able of the labouring classes. Those historians who have written on the Australian response to the aged poor commonly have taken up the story with the advent of the twentieth-century and Federation, as part of the narrative of the welfare state.<sup>68</sup>

Research interest in the elderly has principally been fostered by North American historians. Commencing in the 1970s, David Fischer's *Growing Old in America* and Andrew Achenbaum's *Old Age in a New Land* gave broad direction and impetus to an area of previously neglected study.<sup>69</sup> These landmark works have subsequently been followed up by Carole Haber's

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<sup>66</sup> J. Bostock, *The Dawn of Australian Psychiatry* (Australian Medical Association Mervyn Archdall Medical Monograph no. 4) (Glebe, 1968), p. 19.

<sup>67</sup> M. Weidenhofer, *The Convict Years: Transportation and the Penal System, 1788-1868* (Melbourne, 1973), p. 31.

<sup>68</sup> For an example of this see R. Mendelsohn, *The Condition of The People: Social Welfare in Australia, 1900-1975* (Sydney, 1979), pp. 183-9 and 201-2; and, J. Roe, 'Old age, young country: the first old-age pensions and pensioners in New South Wales', *Teaching History* 15, no. 2 (July, 1981), pp. 23-42.

<sup>69</sup> D.H. Fischer, *Growing Old in America* (New York, 1977); and, W.A. Achenbaum, *Old Age in a New Land: The American Experience Since 1790* (Baltimore, 1978).

*Beyond Sixty-Five* and Thomas Cole's *The Journey of Life*.<sup>70</sup> Pat Thane has recently followed up this American trend with *Old Age in English History*, a work which emphasises the self-sufficiency of the aged and, in relation to nineteenth-century Britain, their capacity to manipulate the New Poor Law in order to bring independence to their lives and their ability to resist the imposition of control agencies.<sup>71</sup>

Haber's work identifies a number of themes in relation to the institutionalisation of the aged poor which bear remarkable similarity to those encountered in this thesis. These may be defined as: the requirement for inmates to perform labour; the failure to abide by regulations liable to result in dismissal; inmates required to be obedient; problems associated with overcrowding; the construction of new wards unable to keep up with demand; the rate with which newly erected accommodation was filled by the destitute aged poor; classification based on sex resulting in separation of couples upon entering an institution; classification based upon social background, such that the aged poor from the lower orders were separated from those of the middle and upper classes; increasing categorisation of inmates over time; and, an increasing medicalisation which saw institutions for the aged become the domain of the physician.<sup>72</sup> Taking a slightly different approach from the usual examination of old age in the context of social policy, Cole has looked at the issue of old age 'in the historical context of the cultural and symbolic impoverishment that has beset the last half of life since the late nineteenth century.'<sup>73</sup> Within this framework Cole, paid particular attention to the changing role religion played as the purveyor of social meaning and the rise of science and medicine as the prime derivation of social dogma. He also explores the dualism between the "attraction to a 'good' old age (the healthy culmination of proper middle-class living) and

<sup>70</sup> C. Haber, *Beyond Sixty-Five: The Dilemma of Old Age in America's Past* (Cambridge, 1985); and, T.R. Cole, *The Journey of Life: A Cultural History of Aging in America* (Cambridge, 1992).

<sup>71</sup> P. Thane, *Old Age in English History: Past Experiences, Present Issues* (Oxford, 2000).

<sup>72</sup> See Haber, *Beyond Sixty-Five*, particularly pp. 95-107.

<sup>73</sup> Cole, *The Journey of Life*, p. xxi.

repulsion from a 'bad' old age (punishment for immoral, unhealthy behaviour)."<sup>74</sup>

In the Australian context there are no comparable works to those of Fischer, Achenbaum, Haber, Cole, and Thane. There exists just one major work, a special edition of the journal *Australian Cultural History*, concisely entitled *Ageing*.<sup>75</sup> Apart from this contribution there has been little else written, although Dawn Peel has recently published on the subject in an analysis of changing experiences of old age in relation to early settlers of the Victorian country district of Colac. She argues that such 'local and regional studies are needed to refine generalised views on the topic.'<sup>76</sup> It is anticipated that through comparative analysis of such works as Peel's, a distinctive Australian history of age can be written. Other Australian historians are making, and have made a contribution to this undertaking. Beverley Kingston gave the subject of the aged poor a general overview, which included the role of aged and infirm emancipists, as part of *The Oxford History of Australia*.<sup>77</sup> Brian Dickey, in *No Charity There*, includes the aged poor in an encompassing discussion on poverty and the development of the social welfare system in Australia.<sup>78</sup> In this account Dickey challenged the social control historians, deploying an alternative argument which bears many similarities to that employed by Grob. He maintains that many of the points made by writers such as Richard Kennedy, are valid but that the overall picture which emerges is flawed.<sup>79</sup> This is because it assumes philanthropists were driven by desires to control lower orders, whereas in many instances the evidence points to motivation being based upon:

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<sup>74</sup> *ibid.*, p. 237.

<sup>75</sup> D. Walker and S. Garton (eds), *Ageing, Australian Cultural History* 14 (1995).

<sup>76</sup> D. Peel, 'Towards a history of old age in Australia' *Australian Historical Studies* 32, no. 117 (October, 2001), p. 259.

<sup>77</sup> B. Kingston, *The Oxford History of Australia: Volume 3, 1860-1900* (Melbourne, 1988), pp. 154-63.

<sup>78</sup> B. Dickey, *No Charity There: A Short History of Social Welfare in Australia* (Sydney, 1987).

<sup>79</sup> See R. Kennedy, *Charity Warfare: The Charity Organisation Society in Colonial Melbourne* (Melbourne, 1985); and, R. Kennedy, 'Charity and ideology in colonial Victoria' in R. Kennedy (ed.), *Australian Welfare History: Critical Essays* (South Melbourne, 1985), pp. 51-83.

high Christian ideals and a genuine desire to help the poor but their efforts were undermined by inadequate financial support, poor facilities, the enormity of the pauper problem, ignorance of the causes of disease and the regrettable but understandable blinkers of evangelical ideas of moral reform.<sup>80</sup>

According to Dickey, the early charitable systems might have been imperfect but without them the poor would have starved.

A few writers, such as Beverley Earnshaw, have tackled head on the consequences of old age and infirmity amongst the convict and emancipist population.<sup>81</sup> In Earnshaw's case, she focussed upon the manner in which disabled ex-convicts existed in New South Wales in the 1820s and 1830s, with particular attention being given to the strategies they evolved in order to survive in a society relatively devoid of either private philanthropy or state intervention. Raymond Evans concentrated on the measures taken by officialdom to seclude and deny the presence of emancipist invalids in colonial Queensland in his exposé on 'hidden colonists'.<sup>82</sup> In *Poverty's Prison*, Anne O'Brien devotes an entire chapter to old age, under the very appropriate title of 'The Shadow of the Asylum'.<sup>83</sup> This substantive contribution to understanding the welfare history of New South Wales disputes the validity of claims that Australia, and New South Wales in particular, was a working class paradise. It investigates with empathy the complex factors which led to, and maintained poverty, and, in particular, the apparent contradiction whereby the state played a major role in instigating and supporting economic and social change, but on the other played its part in mitigating the inevitable human suffering brought about by such policies.

<sup>80</sup> S. Garton, 'Poverty in Paradise' in J. Walter (ed.), *Australian Studies: A Survey* (Melbourne, 1989), p. 253.

<sup>81</sup> B. Earnshaw, 'The lame, the blind, the malingerers: sick and disabled convicts within the colonial community', *Journal of the Royal Australian Historical Society* 8, part 1 (June 1995), pp. 25-38.

<sup>82</sup> R. Evans, 'The hidden colonist: deviance and social control in colonial Queensland' in J. Roe (ed.), *Social Policy in Australia: Some Perspectives, 1901-1975* (Sydney, 1976), pp. 74-100.

<sup>83</sup> A.P. O'Brien, *Poverty's Prison: The Poor in New South Wales, 1880-1918* (Carlton, 1988).



Likewise, the subject of old age is often touched upon in general histories, such as Peter Bolger's *Hobart Town*, and Robert Hughes' epic *The Fatal Shore*.<sup>84</sup> To a substantial extent Hughes denied Tasmanian emancipists agency and devalued their capacity as invalids to resist the measures imposed to control their lives.<sup>85</sup> In a slur upon their will, he asserted that:

What convictry left to the island [Tasmania], then, was the very opposite of its supposed legacy in New South Wales: a malleable and passive working class, paternalistic institutions, a tame press and colonized Anglophile values. The idea that rebels are the main product of oppression is a consoling fiction.<sup>86</sup>

This is a position which Alex Castles has opposed. In his review of 'the Vandemonian spirit' he concluded that:

the independent, resilient features of the Vandemonians, their resourcefulness, adaptability, cynicism about government authority and more, could not so easily be removed from the fabric of their human condition.<sup>87</sup>

Kay Daniels discusses female emancipists in Tasmania as part of her exploration of female convicts in *Convict Women*.<sup>88</sup> She notes the differing experience of the female emancipist when compared to their male counterparts, due largely to fewer opportunities available to escape a cycle of poverty and dependency. She describes poor ex-convict females as 'a group of transported women [who] continued to be dependent on government support or returned to dependence as they grew old and infirm.'<sup>89</sup> Tasmania's treatment of the aged in the nineteenth-century is also mentioned in passing in organisational histories, such as *The Story of Ainslie*, which gives a brief outline of the development of institutional care for the aged in northern Tasmania.<sup>90</sup> Beatrix Kelly, in her history of nursing in Tasmania, also

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<sup>84</sup> P. Bolger, *Hobart Town* (Canberra, 1973), pp. 109-12 and 135-6; and, R. Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia 1787-1868* (London, 1988).

<sup>85</sup> Hughes, *The Fatal Shore*, pp. 590-4.

<sup>86</sup> *ibid.*, p. 594.

<sup>87</sup> A.C. Castles, 'The Vandemonian spirit and the law', *Tasmanian Historical Research Association Paper and Proceedings* 38, nos 3 and 4 (1991), p. 114.

<sup>88</sup> Daniels, *Convict Women*.

<sup>89</sup> *ibid.*, p. 234.

<sup>90</sup> Ainslie House Association, *The Story of Ainslie, 1962-1991* (Tasmania, 1992), pp.1-2.

dedicates space to the 'medical' establishments, administrators and staff involved in the institutionalisation of invalids.<sup>91</sup>

A few historians have examined the aged poor as part of studies into specific establishments. Weidenhofer, for example, includes a chapter on the infirm convict, the pauper emancipist and the imperial lunatic who were accommodated in the Port Arthur Invalid Depot and Port Arthur Lunatic Asylum, as part of her narrative of that settlement's penal history.<sup>92</sup> Lindy Scripps and Audrey Hudspeth present a detailed history of the built spaces of the Cascades Invalid Depot in a report commissioned as part of an assessment of that place's cultural significance.<sup>93</sup> Kim Pearce, as part of a culture heritage study into North Hobart, researched both the Brickfields Invalid Depot and the impact of outdoor relief in this suburb of Tasmania's capital. There is a strong social history component to this research with Pearce arguing that:

The charitable institutions attacked the symptoms perceived as the causes of poverty — drink, gambling, prostitution, and crime, while the real causes of poverty, such as inadequate wages and the nature of employment were ignored.<sup>94</sup>

Joan Brown's *Poverty is Not a Crime*, while now 30 years old, still remains the foremost work on the operation of the charitable system in colonial Tasmania.<sup>95</sup> Written from a 'Whiggish' perspective, reflecting both the time when drafted (before the ground breaking revisionist institutional histories) and her professional background in social welfare, it is nevertheless an accurate portrayal of the major events and themes in the development of social policy in nineteenth-century Tasmania. It strongly emphasises the impact of convictism on subsequent transformations and gives prominence to the part played by emancipists.

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<sup>91</sup> B. Kelly, *A Background to the History of Nursing in Tasmania* (Hobart, 1977).

<sup>92</sup> M. Weidenhofer, *Port Arthur: A Place of Misery* (Port Arthur, 1990).

<sup>93</sup> L. Scripps and A. Hudspeth, 'The Female Factory Historic Site, Cascades: historical report', unpublished report, Department of Parks, Wildlife and Heritage, 1992.

<sup>94</sup> K. Pearce, 'North Hobart Historical Research', unpublished report National Estate Grants Programme, and the Corporation of the City of Hobart, 1992, p. 71.

<sup>95</sup> Brown, *Poverty is not a crime*.

While not published, John Hargrave's masters dissertation 'A Pauper Establishment is Not a Jail' is the most definitive piece of research on the subject to date. In this work Hargrave emphasises the use of institutional care as the mechanism to control the legacy of convictism — the pauper invalid. He views the colonial charitable system as a *de facto* convict system 'in which former prisoners were subjected to treatment akin to that which they would have received under an Imperial government in Van Diemen's Land.'<sup>96</sup> This convict background, it is argued, tainted and impeded reform of the system as nascent liberalism clashed with more conservative points of view. Change was not forthcoming, according to Hargrave, until the 1890s as an outcome of changing inmate demographics consequent upon the demise of the majority of the invalid emancipists. This is a view which this thesis will challenge.

Shayne Breen has also addressed the subject of emancipist poverty and institutionalisation having regard to themes of place, power and social law in northern Tasmania.<sup>97</sup> He has also examined the other face of the colonial charitable coin, outdoor poor relief.<sup>98</sup> As with his consideration of indoor relief, he centres his analysis upon the northern Tasmanian centre of Launceston. In this work Breen draws attention to the complexity of the forces motivating and implementing social change and of the inability of any current single model to explain all aspects of the social interactions and responses that relief generated, although he does favour more a 'social control' explanation. Nevertheless, he stresses the importance of both the courage and resourcefulness of the lower classes to survive and resist the attempts made to restrict their liberties.<sup>99</sup>

In terms of structure, Chapter 2 of this thesis looks at the convict origins and development of the charitable institutional system during the years 1840 to

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<sup>96</sup> See J. Hargrave, 'A pauper establishment is not a jail: old crawlers in Tasmania 1856-1895', unpublished Master of Humanities dissertation, University of Tasmania, 1993, p. 4.

<sup>97</sup> See Breen, *Contested Places*.

<sup>98</sup> Breen, 'Outdoor poor relief in Launceston', pp. 19-50.

<sup>99</sup> *ibid.*, p. 46.

1856. This covers the period from the introduction of Probation to the convict system and ends with the transfer of governance from imperial to colonial control, the so called advent of 'responsible government'. It examines changing practice and attitudes through an analysis of the principal invalid establishment at that juncture, the Impression Bay Convict Station. In the mid 1850s and early 1860s a number of socio-economic factors resulted in a sudden expansion in pauper invalid numbers. This induced a substantial degree of anxiety amongst the middle class fearful of a breakdown in control over the emancipist and convict population. Chapter 3 examines the initial measures taken by the new colonial authorities to address this crisis in pauper invalid numbers. The issue is explored in relation to invalid overcrowding of government institutions in the north of the colony and measures undertaken in developing an institutional response. In the north, this was based upon the founding of a generalised institution intended to respond to a multitude of pauper categories. The south of the colony instigated a different solution to the crisis, pursuing a path of institutional specialisation. Chapter 4 documents these developments.

Chapter 5 explores the mindset of the middle class in the third quarter of the nineteenth-century. In particular, it pays attention to the conservative paternalistic benevolence which permeated middle class thought at this juncture leading to demonisation and criminalisation of pauper invalids. It explores this theme through a discussion of the treatment of female invalids and the activities of private benevolent societies. This chapter also examines the mechanics of the charitable system as practiced in nineteenth-century Tasmania. Chapter 6 continues to investigate these themes through an analysis of life inside the institution. This chapter looks at the institutional environment, the conditions which inmates were subject to, and how institutions increasingly implemented a regime of coerced labour, strict discipline, confinement, surveillance, regimentation and punishment as a means to control the lives of pauper invalids. Chapter 7 pursues these themes but with special emphasis on the subject of cleanliness. This topic is also used to investigate the effect charitable institutions had on society, especially in

terms of the part they played in bringing about ideological change and their role in assisting the process of class formation.

Invalids were not passive participants in the institutional drama. Their love of liberty and affinity with their own class mores saw them resist the imposition of middle class virtues. In Chapter 8 it is argued that this augmented the process of social change. This chapter also documents the manner in which institutional order was opposed by inmate disorder. It details how, as bureaucrats and administrators sought to extend their authority over invalids, they were met with sustained resistance to, and persistent manipulation of, the charitable institutional system. Chapter 9 continues the theme of inmate resistance but in this section the message is delivered in the voices of the inmates themselves. Though rare, a few written invalid protests have survived. From these an impression of institutional life from the perspective of the invalid is crafted. Not only did inmates also resist their conditions but from the mid 1870s onwards, an increasingly vocal reformist element of the middle class engaged their conservative counterparts in advocating a different social agenda. Chapter 10 presents their voices of protest against perceived inequalities and failings of the charitable institutional system. Chapters 11 and 12 details the repercussions of their, and the invalids, efforts to reform the administration and management of the aged poor in colonial Tasmania.

The principal primary sources examined for this thesis were the records of the Tasmanian Colonial (and later Chief) Secretary's Office (the CSD files), held in the Archives Office of Tasmania, and the annual institutional and agency reports, as well as official government inquiries, as published in the colony's parliamentary papers. They provide a wealth of detail on the operation of colonial Tasmania's charitable system. The preponderance of official papers does somewhat lead to a 'history from above', but the archive was also the repository for fragments of protest from inmates, lending some balance to the deluge of government papers. Richard Evans has pointed out that '[a]rchives are the product of the chance survival of some documents and

the corresponding chance loss or deliberate destruction of others.<sup>100</sup> The CSD files fit this character; they evidenced glaring and frustrating gaps, as well as the effects of rats and mould, and frequent mind-boggling incomprehensible handwriting. Nevertheless, as incomplete as they are, they supplied the raw building blocks to piece together the history of the invalid poor in colonial Tasmania.

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<sup>100</sup> R.J. Evans, *In Defence of History* (London, 1997), p. 87.